

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

JOSE L. MIRANDA PAGAN,
Plaintiff,

vs.

CIVIL NO. 98-1490 (DRD)

ADMINISTRACION DE CORRECCION,
et al.,

Defendants.

RECEIVED
MAY 31 11:30
U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

On May 5, 2000, the Court issued an Order which contained the following:

"Plaintiff is hereby **ORDERED TO SHOW CAUSE** by **May 25, 2000** why this case should not be dismissed without prejudice for failure to exhaust administrative remedies as required by 42 U.S.C. § 1997e(a). See Snider v. Melindez, 199 F.3d 108 (2d Cir. 1999) (District court has authority to dismiss prisoner's action, on its own motion, for failure to exhaust administrative remedies after notice and opportunity to be heard has been made.); Booth v. Churner, 206 F.3d 289 (3rd Cir. 2000); Brown v. Morgan, ___ F.3d ___, 2000 WL 354164, *1 (6th Cir. Apr. 7, 2000) ("This language [of section 1997e(a)] unambiguously requires exhaustion as a mandatory threshold requirement in prison litigation."); Massey v. Helman, 196 F.3d 727, 733 (7th Cir. 2000); Harper v. Jenkin, 179 F.3d 1311, 1312 (11th Cir. 1999); Rivera v. Garcia, ___ F.R.D. ___, 2000 WL 375253 (D. P.R. Mar. 15, 2000); Feliciano v. Servicios Correccionales, 79 F.Supp.2d 31 (D. P.R. 2000). No extensions of time shall be granted and will be summarily stricken. Failure to timely comply with the Court's order will result in dismissal of this case."

(Docket No. 21). To date the Plaintiff, José Luis Miranda Pagán, who filed this lawsuit alleging violations under 42 U.S.C. § 1983 for injuries received while an inmate at the Puerto Rico Administración de Corrección (Guerrero de Aguadilla), has not responded to the Court's Order. Therefore, due to Plaintiff's failure to respond to the Court's Order and failure to exhaust administrative remedies as required by 42 U.S.C. § 1997e(a), the Court hereby **DISMISSES** this case **WITHOUT PREJUDICE**. Judgment shall be entered accordingly.

IT IS SO ORDERED.

Date: May 30, 2000

P:\PEACHORD.ERS\98-1490A.DIS

DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

1

22